

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

Case No. 7:23-CV-00007-M-RJ

LINDA JEAN DESMARAIS,

Plaintiff,

v.

MARTIN O'MALLEY,

Commissioner of Social Security,

Defendant.

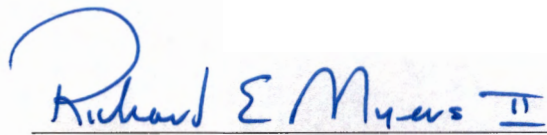
ORDER

This matter comes before the court on the Plaintiff's motion for summary judgment [DE 9]. Pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b), United States Magistrate Judge Robert B. Jones, Jr. entered a memorandum and recommendation (the "Recommendation"), recommending that the court remand the matter to the Commissioner for further proceedings. DE 14 at 23. Neither party objected to the Recommendation. *See* Docket Entries dated February 6, 2024, to present.

A magistrate judge's recommendation carries no presumptive weight. The court "may accept, reject, or modify, in whole or in part, the . . . recommendation[ ] . . . receive further evidence or recommit the matter to the magistrate judge with instructions." 28 U.S.C. § 636(b)(1); *accord Mathews v. Weber*, 423 U.S. 261, 271 (1976). The court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." *Id.* § 636(b)(1). Absent a specific and timely objection, the court reviews only for "clear error" and need not give any explanation for adopting the recommendation. *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Upon careful review of the Recommendation and the record presented, and finding no clear error, the court ADOPTS the Recommendation of Judge Jones as its own. For the reasons stated therein, this matter is remanded to the Commissioner for further proceedings consistent with the Recommendation and this order. The Clerk of Court is directed to close this case.

SO ORDERED this 27<sup>th</sup> day of March, 2024.

  
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RICHARD E. MYERS II  
CHIEF UNITED STATES DISTRICT JUDGE